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Attorneys for Plaintiff Gary Odom

IN THE UNITED STATES DISTRICT COURT

FOR TH DISTRICT OF OREGON

**Gary Odom**

Plaintiff,

v.

**Attachmate Corporation et al,**

Defendants.

**Case No. 3:09-CV-406-AC**

**PLAINTIFF'S NOTICE OF DISMISSAL OF  
DUOSERVE, INC., LIVINGSTON  
TECHNOLOGIES, INC., MATCHWARE,  
INC., METAPRODUCTS CORPORATION,  
and MVP SYSTEMS SOFTWARE, INC.  
WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), Plaintiff Gary Odom ("Odom") files this Notice of Dismissal Without Prejudice of Duoserve, Inc. ("Duoserve"), Livingston

Technologies, Inc. (“Livingston Technologies”), Matchware, Inc. (“Matchware”), Metaproducts Corporation (“Metaproducts”), and MVP Systems Software, Inc. (“MVP Systems”).

1. On April 17, 2009, Odom filed its Complaint for patent infringement with this Court, alleging that Duoserve, Livingston Technologies, Matchware, Metaproducts and MVP Systems infringe United States Patent No. 7,363,592 B1.

2. As of this date, Duoserve, Livingston Technologies, Matchware, Metaproducts and MVP Systems have neither filed nor served an answer to Odom’s Complaint.

3. Odom no longer wishes to pursue the above reference matter against Duoserve, Livingston Technologies, Matchware, Metaproducts and MVP Systems at this time. Accordingly, Odom hereby dismisses Duoserve, Livingston Technologies, Matchware, Metaproducts and MVP Systems from the above referenced action without prejudice.

4. This Notice of Dismissal Without Prejudice of Duoserve, Livingston Technologies, Matchware, Metaproducts and MVP Systems shall not serve to operate as a dismissal of any other party named as a defendant in this action.

Respectfully Submitted,

Dated: May 28, 2009

/s/ Edward W. Goldstein

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**CERTIFICATE OF SERVICE**

I certify that on this 28<sup>th</sup> day of May 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system. Any other counsel of record will be served by electronic transmission and/or U.S. mail.

/s/ Edward W. Goldstein  
Edward W. Goldstein